

Message Text

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ACTION NEA-12

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PM-07 H-03 INR-10 L-03 NSAE-00 NSC-10 PA-03 RSC-01

PRS-01 SS-15 USIA-15 EA-11 AID-20 RSR-01 SR-02 ORM-03

DPW-01 /133 W

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FM AMEMBASSY ISLAMABAD

TO SECSTATE WASHDC PRIORITY 771

INFO AMEMBASSY DACCA

AMEMBASSY NEW DELHI

AMCONSUL KARACHI

AMCONSUL LAHORE

C O N F I D E N T I A L SECTION 1 OF 2 ISLAMABAD 7176

E.O. 11652: GDS

TAGS: PFOR, PK, BG, IN

SUBJECT: INDO-PAKISTANI AGREEMENT: GOP VIEWS

SUMMARY: ACCORDING GOP FONSEC, CRUCIAL ASPECT OF AUGUST 28 AGREEMENT IS --AS GOP SEES IT-- THAT IT COMPLETELY RULES OUT WAR-CRIMES TRIALS BY BANGLADESH. POSSIBILITY EXISTS THAT THE 195 POWS TO BE RETAINED BY INDIA MIGHT BE HLD INDEFINITELY BUT GOI HAS TOLD PAKS THIS IS UNLIKELY. DESPITE BDG STIPULATION THAT IT WILL PARTICIPATE IN MEETINGS ONLY ON BASIS QTE SOVEREIGN EQUALITY UNQTE, PAKS DO NOT INTEND RECOGNIZE BANGLADESH UNTIL LATTER AGREES TO ABANDON PLANS FOR WAR-CRIMES TRIALS. PAKS WILL NOT ACQUIESCE IN BANGLADESH UN MEMBERSHIP UNTIL POW REPATRIATION COMPLETE. SINCE BDG INSISTS ON TIME-CONSUMING SIMULTANEOUS TRANSFER POWS, BENGALIS AND BIHARIS, BANGLADESH MEMBERSHIP MOST UNLIKELY THIS YEAR. FONSEC INDICATED TOTAL OF BIHARIS TO BE TRANSFERRED WOULD BE ABOUT 75,000. END SUMMARY

1. FONSEC AGHA SHAHI CALLED ME TO MFA AUGUST 30 FOR
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BRIEFING ON AUGUST 28 AGREEMENT AS GOP VIEWED IT. POL

COUNSELOR AND I ARRIVED SHAHI'S OFFICE JUST AS CHINESE CHARGE WAS DEPARTING.

2. AFTER CONGRATULATING FONSEC ON AGREEMENT, I READ TEXT OF WHITE HOUSE STATEMENT (STATE 172664) FOR WHICH HE EXPRESSED GRATITUDE. HE THEN COMMENTED THAT AGREEMENT COULD NOT HAVE BEEN REACHED WITHOUT ENCOURAGEMENT AND ASSISTANCE OF OUTSIDE POWERS ESPECIALLY QTE THE TREMENDOUS HELP OF CHINA. UNQTE HE MENTIONED CHINA'S POLITICAL SUPPORT BUT DID NOT ELABORATE.

3. TURNING TO SUBSTANCE OF AUGUST 28 AGREEMENT, SHAHI SAID THAT SALIENT FEATURE FOR GOP WAS THAT QTE IT CLEARLY RULES OUT WAR-CRIMES TRIALS UNDER ANY CIRCUMSTANCES UNQTE. SINCE AGREEMENT SPECIFIED THAT FATE OF 195 POWS TO BE RETAINED BY INDIA WOULD BE DECIDED AT TRILATERAL MEETING AND SINCE GOP WOULD UNDER NO CIRCUMSTANCES AGREE TO THEIR TRANSFER TO BANGLADESH, TRIALS WOULD THUS BE IMPOSSIBLE. WORST THAT COULD HAPPEN TO THE 195 POWS WOULD BE THEIR INDEFINITE DETENTION IN INDIA.

4. LATTER PROSPECT HAD BOTHERED PAKS DURING NEGOTIATIONS, SHAHI CONTINUED, AND THEY HAD PROPOSED SIX-MONTH LIMIT ON DETENTION OF 195 BUT THIS HAD BEEN REJECTED BY OTHER SIDE. INDIANS HAD, HOWEVER, ASSURED THEM THAT PROLONGED DETENTION WAS QTE HIGHLY UNLIKELY UNQTE.

5. NOTING THAT BANGLADESH WOULD PARTICIPATE IN MEETINGS SPECIFIED IN AGREEMENT ONLY UNDER CONDITIONS OF QTE SOVEREIGN EQUALITY UNQTE, I INQUIRED HOW THIS RELATED TO POSSIBILITY OF RECOGNITION BY GOP PRIOR TO MEETINGS. SHAHI QUICKLY SAID THAT BDG HAD MADE THIS STIPULATION AND THAT PAKS DID NOT HAVE TO AGREE TO IT. AS REGARDS GOP-BDG MEETING TO DISCUSS FURTHER TRANSFERS OF BIHARIS, SHAHI OBSERVED THAT MEETING WOULD BE IN SHEIKH MUJIB'S INTEREST AND THAT IF HE REFUSED TO PARTICIPATE BECAUSE OF SOVEREIGN EQUALITY QUESTION, QTE THAT'S HIS PROBLEM. UNQTE

6. AS TO TRILATERAL MEETING ON 195 POWS, SHAHI EMPHASIZED THAT GOP DID NOT INTEND RECOGNIZE BANGLADESH
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UNTIL LATTER SPECIFICALLY ABANDONED IDEA OF WAR-CRIMES TRIALS. PAKS BELIEVED, HOWEVER, THAT THIS PROBLEM COULD BE WORKED OUT THROUGH PRIVATE UNDERSTANDING WITH BENGALIS. FOR EXAMPLE, PAKS MIGHT POSSIBLY ANNOUNCE RECOGNITION BANGLADESH ON EVE OF MEETING, WITH MUJIB BY PREARRANGEMENT THEN ANNOUNCING BANGLADESH WAS GIVING UP TRUPEN.

7. IN RESPONSE MY QUESTION AS TO BANGLADESH ADMISSION

TO UN, SHAHI ASSERTED THAT THERE WAS NO POSSIBILITY
GOP AGREEING TO ADMISSION UNTIL REPATRIATION OF POWS
COMPLETED. FAR AS GOP CONCERNED, THIS COULD TAKE PLACE
WITHIN NEXT TWO MONTHS AND LEAVE SUFFICIENT TIME FOR
FINAL ACTION AT FORTHCOMING UNGA. BANGLADESH, HOW-
EVER, HAD INSISTED THAT EXCHANGES OF POWS, BENGALLEES AND
BIHARIS BE UNDERTAKEN SIMULTANEOUSLY; SINCE LATTER EX-
CHANGES WILL BE FAR MORE COMPLEX THAN REPATRIATION POWS,
HIGHLY UNLIKELY THAT THEY WILL BE COMPLETED BEFORE END
OF UNGA SESSION. THUS BDG ITSELF HAD VIR-
TUALLY FORECLOSED BANGLADESH ENTRY INTO UN THIS YEAR.

8. I NOTED THAT AGREEMENT HAD SPECIFIED GOP WILLINGNESS
RECEIVE QTE SUBSTANTIAL UNQTE NUMBER OF BIHARIS AND ASKED
WHETHER UNDERSTANDING HAD BEEN REACHED ON FIRM FIGURE.
SHAHI REPLIED THAT PAKS WOULD TAKE QTE ABOUT 75,000 UNQTE.
IN COURSE OF NEGOTIATIONS, HE ADDED, GOP HAD OFFERED TO
TAKE LARGER NUMBER IF INDIANS COULD PERSUADE BDG TO REDUCE
NUMBER OF POWS TO BE RETAINED BY INDIANS, BUT OFFER HAD
BEEN REJECTED.

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9. IN RESPONSE MY QUERY, FONSEC MERELY ACKNOWLEDGED THAT PAKS HAD ABANDONED EARLIER PROPOSAL TO RETAIN 203 BENGALLEES AS OFFSET TO 195 POWS. HE SAID THIS DECISION ADDED TO GENERAL CLIMATE FOR RECENT TALKS, BUT DID NOT OFFER ANY ELABORATION; NOR DID I PRESS HIM ON THE POINT, AFTER HE HAD NOTED THAT GOP MIGHT POSSIBLY COME IN FOR DOMESTIC CRITICISM ON THIS POINT IF THE 195 POWS ARE HELD FOR FURTHER PROTRACTED PERIOD.

10. I ASKED FONSEC WHAT HE SAW AS NEXT STEPS IN IMPLEMENTATION OF SIMLA AGREEMENT NOW THAT AGREEMENT HAD BEEN REACHED ON POWS, BENGALLEES AND BIHARIS. WOULD INDIA AND PAKISTAN NOW PROCEED TO REESTABLISH DIPLOMATIC RELATIONS, REOPEN BORDERS, RESTORE COMMUNICATIONS, ETC.? SHAHI SAID THAT NEITHER SIDE HAD ADDRESSED THIS SUBJECT DURING JUST-CONCLUDED NEGOTIATIONS. HE THOUGHT INDIA MIGHT WANT TO WAIT ON REESTABLISHING RELATIONS UNTIL PAKISTAN RECOGNIZED BD. THERE WOULD PROBABLY HAVE TO BE A WAIT UNTIL PRESENT AGREEMENT IMPLEMENTED BEFORE CONSIDERING FURTHER MOVES. NEXT ITEM ON AGENDA AFTER EXCHANGE OF POWS, CONFIDENTIAL

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BENGALLEES AND BIHARIS WOULD BE THE TWO MEETINGS TO DISCUSS TRANSFER OF ADDITIONAL BIHARIS AND FATE OF THE 195 POWS.

11. COMMENT: NO QUESTION THAT SHAHI WAS PLEASED WITH DELHI AGREEMENT EVEN THOUGH IT LEAVES SOME POINTS STILL TO BE TIED UP. PAKS APPARENTLY FEEL THEY GOT AS MUCH OUT OF THE NEGOTIATIONS AS WAS POSSIBLE AT THIS TIME. PROSPECTIVE EARLY RETURN OF ALMOST ALL POWS ASSURES THAT AGREEMENT WILL BE WARMLY WELCOMED BY PAK PUBLIC AT LARGE.
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